

Notice of Allowability	Application No.	Applicant(s)	
	09/801,950	DURR ET AL.	
	Examiner	Art Unit	
	Chuck O. Kendall	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 02/09/06.
2. ☒ The allowed claim(s) is/are 1 - 13, 15 - 20, 24 - 28 and 32 - 40.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>05/26/04, 6/10/04, 7/16/04, 9/16/04</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Examiners Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Alan, Collins (57,646) on 04/14/06.

The application has been amended as follows:

IN THE CLAIMS:

2. Please amend claims 28, 32 – 37 and 40 as follows:

Claim 28 (Currently Amended)

At line 1, after "computer" replace "readable" with storage .

Claim 32 (Currently Amended)

At line 1, after "computer" replace "readable" with storage .

Claim 33 (Currently Amended)

At line 1, after "computer" replace "readable" with storage .

Claim 34 (Currently Amended)

At line 1, after "computer" replace "readable" with storage .

Claim 35 (Currently Amended)

At line 1, after "computer" replace "readable" with storage .

Claim 36 (Currently Amended)

At line 1, after "computer" replace "readable" with storage .

Claim 37 (Currently Amended)

At line 1, after "computer" replace "readable" with storage .

Claim 40 (Currently Amended)

At line 1, after "computer" replace "readable" with storage .

Allowance

1. Examiner has reviewed and considered Applicants comments as indicated on pages 14 – 20 of Applicant's response dated 02/09/2006 and per Applicant's comments, regarding claims 1 – 13, 15 – 20, 24 – 28 and 32 – 40 claims are now in condition for allowance.

The following is an Examiner's statement of reasons for allowance. The prior art of record does not teach or fairly suggest at least:

“a set of program entries specifying correction information for such particular identification programs, wherein individual ones of the set of program entries comprise:

a whole name matching at least one existing executable program; a program matching criteria matching at least one existing executable program to be updated by performing a first partial name search within an index followed by a second whole name search within the set of program entries specifying correction information; and a reference to at least one substitute program segment in the set of Substitute program segments; and the index including a set of identifiers, wherein each identifier identifies one of the set of program entries and wherein each identifier comprises a name portion of the whole name...”, as best illustrated by Figure 5 and 5a and in such a manner as recited in independent claims 1.

“...third at program loading for execution executing a third search on at least a portion of the second set of potential matching entries to identify a program entry matching the particular program based upon the program matching criteria for the

program entry; accessing within the entry, in response to the matching step, a sub-field identifying substitute program segments for the particular executable program; and providing memory location reference for reading the identified substitute program segments based upon the accessing step ", as best illustrated by Figure 5 and 5a and in such a manner as recited in independent claims 20, and 28.

Therefore, claims 1 – 13, 15 – 20, 24 – 28 and 32 – 40 are in condition for allowance.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Correspondence Information

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Kendall whose telephone number is 571-272-3698. The examiner can normally be reached on 10:00 am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on 571-272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CK

Chameli C. Das
CHAMELI C. DAS
PRIMARY EXAMINER

4/12/06